

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

IN RE:	:	CHAPTER 13
	:	
LLOYD ALLAN JONES,	:	No. 5:16-bk-02223-JJT
	:	
Debtor	:	
	:	
LLOYD ALLAN JONES,	:	
	:	
Plaintiff	:	Adversary No. 5-17-ap-00036-JJT
	:	
vs.	:	
	:	
U.S. BANK, NATIONAL ASSOCIATION,	:	
AS TRUSTEE FOR RESIDENTIAL ASSET	:	
SECURITIES CORPORATION, HOME	:	
EQUITY MORTGAGE ASSET-BACKED,	:	
PASS-THROUGH CERTIFICATES,	:	
SERIES 2006-EMX9, and AMERICA'S	:	
SERVICING COMPANY,	:	
	:	
Defendants	:	

ORDER

AND NOW upon consideration of Defendants' Motion for Summary Judgment Pursuant to Fed. R. Bank. P. 7056 (the "Motion")¹, and any response thereto, IT IS HEREBY ORDERED, that the Motion is granted and summary judgment is hereby entered in favor of the Defendants and against the Debtor consistent with the terms of this Order.

It is further ORDERED that: (1) pursuant to the agreement of the parties the value of the Debtor's Property for plan confirmation purposes in the Debtor's underlying bankruptcy case is hereby established in the amount of \$136,000.00; (2) U.S. Bank shall have an allowed

¹ All defined terms in the Motion are incorporated herein by reference.

secured claim in the Debtor's underlying bankruptcy case in the amount of \$136,000.00 and an allowed unsecured claim for all sums due under the Loan Documents as of the Petition Date that are in excess of \$136,000.00; (3) all other relief requested by the Debtor in Count I of the Complaint is hereby denied; (4) all of the relief requested by the Debtor in Count II of the Complaint is denied because the First Amended Plan's proposed treatment of U.S. Bank's secured claim violates Section 1322(b)(2) of Title 11, United States Code and the United States Supreme Court's holding in *Nobelman v. American Savings Bank*, 113 S. Ct. 2106, 124 L.Ed. 2d. 228 (1993); (5) confirmation of the Debtor's First Amended Plan is hereby denied pursuant to 11 U.S.C. §1325(a)(1) because the First Amended Plan does not comply with 11 U.S.C. §1322(b)(2); and (6) within thirty (30) days of the entry of this Order the Debtor shall file a proposed Seconded Amended Plan that does not propose to modify U.S. Bank's rights with respect to the U.S. Bank Secured Claim and that otherwise complies in all other respects with Sections 1322 and 1325 of the Bankruptcy Code, including but not limited to Section 1322(b)(2) and 1322(b)(5).

Dated: March 22, 2018

By the Court,



John J. Thomas, Bankruptcy Judge (PR)